

RESPONSE TO ELECTION OF SPECIES REQUIREMENT	Application #	10/587,899
	Confirmation #	8912
	Filing Date	April 27, 2007
	First Inventor	SCHWARTZ
	Art Unit	1614
	Examiner	Spivack, Phyllis G.
	Docket #	P08977US00/BAS

Commissioner for Patents
P.O. Box 1450
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S I R:

In response to the election of species requirement of October 2, 2008, Applicants submit the following response.

In the election requirement, it was alleged that the application contains claims directed to more than one species of a generic invention. It was alleged that the species lack a unity of invention, alleging that they are not so linked to form a general inventive concept under PCT Rule 13.1.

Contrary to the election of species requirement, there is unity of invention which links all claims to a single general inventive concept under PCT Rule 13.1 and 37 C.F.R. § 1.475. The single inventive concept is the combination of an antiemetic agent with an enkephalinase inhibitor. This inventive concept is recited in all claims and, therefore, this concept forms a single inventive concept.

Moreover, as the Examiner has correctly identified, claim 1 is generic to all claims, and thus represents a linking claim. Furthermore, claim 1 is the sole

independent claim and, therefore, claim 1 necessarily is a generic linking claim for all claims in the pending application.

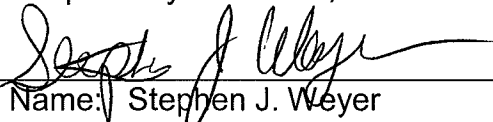
Notwithstanding the foregoing, and in order to make the response to the election of species requirement complete, Applicants respectfully elect racecadotril as the enkephalinase inhibitor and 5-HT₃ receptor antagonist as the antiemetic agent, with traverse. Should a further election be necessary, Applicants respectfully elect ondansetron as the 5-HT₃ receptor antagonist. Claims 1-9 and 11-17 are readable on ondansetron and all claims are readable on racecadotril.

Should the election of species requirement be maintained, Applicants reserve the right to request rejoinder of the non-elected claims upon allowance of the elected species and claims.

Respectfully submitted,

Date: November 3, 2008

Signed By
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